

# SENATE BILL 235

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11r0461  
CF 11r0462

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By: **Chair, Education, Health, and Environmental Affairs Committee**

Introduced and read first time: January 27, 2011

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Department of Labor, Licensing, and Regulation – State Board of Master**  
3 **Electricians – Sunset Extension, Revision, and Report**

4 FOR the purpose of continuing the State Board of Master Electricians in accordance  
5 with the provisions of the Maryland Program Evaluation Act (sunset law) by  
6 extending to a certain date the termination provisions relating to the statutory  
7 and regulatory authority of the State Board; requiring the State Board to adopt  
8 regulations to establish continuing education requirements; conditioning the  
9 ability to renew a certain license on compliance with certain continuing  
10 education requirements; requiring that an evaluation of the State Board and  
11 the statutes and regulations that relate to the State Board be performed on or  
12 before a certain date; requiring the State Board, in conjunction with the  
13 Department of Labor, Licensing, and Regulation, to submit a certain report on  
14 or before a certain date; requiring the Department to convene a certain group of  
15 interested and affected parties to make certain recommendations regarding the  
16 establishment of a State Board of Electricians; establishing the membership of  
17 the group; requiring the Secretary of Labor, Licensing, and Regulation to  
18 submit a certain report and draft legislation to the Senate Education, Health,  
19 and Environmental Affairs Committee and the House Economic Matters  
20 Committee on or before a certain date; requiring the Division to investigate the  
21 feasibility of certain special funding authority for a State Board of Electricians  
22 under certain circumstances; requiring the Division to investigate certain  
23 fee-setting authority for a State Board of Electricians under certain  
24 circumstances; requiring the Division to study certain methods of funding; and  
25 generally relating to the State Board of Master Electricians.

26 BY repealing and reenacting, with amendments,  
27 Article – Business Occupations and Professions  
28 Section 6–205, 6–310(c), and 6–702  
29 Annotated Code of Maryland  
30 (2010 Replacement Volume)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, without amendments,  
 2 Article – State Government  
 3 Section 8–403(a)  
 4 Annotated Code of Maryland  
 5 (2009 Replacement Volume and 2010 Supplement)

6 BY repealing and reenacting, with amendments,  
 7 Article – State Government  
 8 Section 8–403(b)(18)  
 9 Annotated Code of Maryland  
 10 (2009 Replacement Volume and 2010 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 12 MARYLAND, That the Laws of Maryland read as follows:

13 **Article – Business Occupations and Professions**

14 6–205.

15 In addition to any powers and duties set forth elsewhere, the State Board shall:

16 (1) twice a year hold a seminar and invite members from each local  
 17 licensing jurisdiction to discuss any industry or licensing problems; and

18 (2) adopt regulations to establish:

19 (i) application and examination fees; [and]

20 **(II) CONTINUING EDUCATION REQUIREMENTS; AND**

21 **[(ii)] (III) application deadlines.**

22 6–310.

23 (c) Before a State license expires, the State licensee periodically may renew  
 24 it for an additional 2–year term, if the State licensee:

25 (1) otherwise is entitled to be licensed;

26 (2) pays to the State Board a renewal fee of \$25; [and]

27 **(3) COMPLIES WITH CONTINUING EDUCATION REQUIREMENTS**  
 28 **ESTABLISHED BY THE STATE BOARD IN REGULATION; AND**

29 **[(3)] (4) submits to the State Board a renewal application on the**  
 30 **form that the State Board provides.**

1 6-702.

2 Subject to the evaluation and reestablishment provisions of the Maryland  
3 Program Evaluation Act, this title and all regulations adopted under this title shall  
4 terminate and be of no effect after July 1, [2013] **2017**.

5 **Article – State Government**

6 8-403.

7 (a) On or before December 15 of the 2nd year before the evaluation date of a  
8 governmental activity or unit, the Legislative Policy Committee, based on a  
9 preliminary evaluation, may waive as unnecessary the evaluation required under this  
10 section.

11 (b) Except as otherwise provided in subsection (a) of this section, on or before  
12 the evaluation date for the following governmental activities or units, an evaluation  
13 shall be made of the following governmental activities or units and the statutes and  
14 regulations that relate to the governmental activities or units:

15 (18) Electricians, State Board of Master (§ 6-201 of the Business  
16 Occupations and Professions Article: July 1, [2012] **2016**);

17 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1,  
18 2012, the State Board of Master Electricians, in conjunction with the Department of  
19 Labor, Licensing, and Regulation, shall submit a report to the Senate Education,  
20 Health, and Environmental Affairs Committee and the House Economic Matters  
21 Committee, in accordance with § 2-1246 of the State Government Article, on the  
22 status of nonstatutory alternative recommendations contained in the Sunset Review:  
23 Evaluation of the State Board of Master Electricians conducted by the Department of  
24 Legislative Services, specifically:

25 (1) the enforcement of the reporting requirements established under  
26 Chapter 163 of the Acts of 2002;

27 (2) the implementation of continuing education requirements for  
28 master electricians;

29 (3) the findings of the Division of Occupational and Professional  
30 Licensing on appropriate membership of the State Board of Master Electricians,  
31 including whether it remains feasible to have three consumer member positions; and

32 (4) whether to limit the number of employees that may work under a  
33 qualified license.

34 SECTION 3. AND BE IT FURTHER ENACTED, That:

1 (a) (1) The Division of Occupational and Professional Licensing of the  
2 Department of Labor, Licensing, and Regulation shall convene a group of stakeholders,  
3 both public and private, and representatives of interested and affected parties to make  
4 recommendations regarding the establishment of a State Board of Electricians that:

5 (i) is subject to the Maryland Program Evaluation Act (sunset  
6 law);

7 (ii) has statewide regulatory authority;

8 (iii) has an effective date of July 1, 2013, to coincide with the  
9 termination of the State Board of Master Electricians; and

10 (iv) has a termination date of July 1, 2021.

11 (2) The group convened under paragraph (1) of this subsection shall  
12 include:

13 (i) affected county and municipal officials;

14 (ii) affected State agencies;

15 (iii) master, journeyman, qualified agent, and apprentice  
16 electricians;

17 (iv) union and nonunion industry representatives;

18 (v) representatives of the State Board of Master Electricians; and

19 (vi) consumers.

20 (3) The recommendations developed under this subsection for the  
21 establishment of a State Board of Electricians shall provide for multiple licensing levels,  
22 and shall include:

23 (i) the types of statewide licenses to establish, including  
24 State-administered master, master inactive, qualified agent, journeyman, restricted,  
25 limited, apprentice, and other licenses;

26 (ii) continuing education requirements for renewal of licenses;

27 (iii) appropriate membership for the new State Board;

28 (iv) whether to limit the number of employees that may work  
29 under a qualified agent or successor license;

30 (v) steps necessary to preempt the right of a county or  
31 municipality to maintain local boards and to license electricians, including a process to  
32 eliminate local boards and electrician licensing systems; and

1 (vi) how to grandfather certain local licenses for a limited period  
2 after the establishment of the new State Board until State licensing can be fully  
3 implemented.

4 (b) On or before October 1, 2012, the Secretary of Labor, Licensing, and  
5 Regulation shall submit to the Senate Education, Health, and Environmental Affairs  
6 Committee and the House Economic Matters Committee:

7 (1) a report, in accordance with § 2-1246 of the State Government  
8 Article, on the plans of the Division of Occupational and Professional Licensing to create  
9 and operate a new program for the statewide regulation of electricians under a State  
10 Board of Electricians; and

11 (2) legislation drafted for approval by the General Assembly that would  
12 enact the consensus recommendations developed under this section and facilitate  
13 preparations for the State Board of Electricians.

14 (c) The Division of Occupational and Professional Licensing shall:

15 (1) (i) investigate the feasibility of establishing special funding  
16 authority for the State Board of Electricians in order to maintain more control over its  
17 enhanced regulatory activities; or

18 (ii) if special funding is not feasible, investigate the feasibility of  
19 establishing fee-setting authority to more adequately recoup funding for the operations of  
20 the State Board of Electricians; and

21 (2) study methods of tying the cost of licensing fees to the cost of  
22 regulating electricians.

23 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect  
24 July 1, 2011.